UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA	)	
Plaintiff,	)	
	)	
v.	)	**Case No.: 3:19-CR-47 RLM**
	)	
EDWARD SCHAFER	)	
Defendant.	)	

MOTION TO DISMISS

Edward Schafer, by counsel, now moves to dismiss the Indictment and asserts that the Indictment fails to state an offense in that it fails to allege that Mr. Schafer had knowledge that he had previously been convicted of a crime punishable by a term of imprisonment of more than one year at that point in time when he is alleged to have possessed one or more firearms. See *Rehaif v. United States*, 139 S Ct. 2191 (2019). Because the Indictment fails to state an offense against the United States, the Court lacks jurisdiction to hear the case.

If the Court grants this motion, Mr. Schafer requests that the Court order that he remain on pretrial release until a new indictment is filed pursuant to F. R. Cr. P. 12(g).

Dated: August 14, 2019

Respectfully submitted,

Federal Community Defenders, Inc.

By: s/ David E. Vandercoy

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2019 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties of record.

/s/ Allyson A. King, Paralegal
Northern District of Indiana
Federal Community Defenders, Inc.